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5 IN THE UNITED STATES DISTRICT COURT  
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7 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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9 COLLETTE DELBRIDGE, individually  
10 and on behalf of others similarly situated,

11 Plaintiff,

12 v.

13 KMART CORPORATION,

14 Defendant.  
15 \_\_\_\_\_/

No. C 11-02575 WHA

**ORDER DENYING STIPULATED  
REQUEST TO SEAL AND  
GRANTING REQUEST FOR *IN  
CAMERA* REVIEW**

16 Pursuant to an order of the Court, plaintiff's counsel Michael Righetti filed a declaration  
17 explaining his role in the discovery process involving checkout stand designs (Dkt. No. 370). In  
18 his declaration, Mr. Righetti references "newly-discovered" emails received from Kmart's  
19 counsel that suggest that Kmart was making incomplete productions. Prior to filing his  
20 declaration, Mr. Righetti notified Kmart of his concerns regarding these emails. Kmart  
21 attempted to claw them back on the grounds that they were inadvertently sent to Mr. Righetti and  
22 subject to the work-product privilege. Mr. Righetti then filed his declaration without attaching  
23 the emails.

24 The parties have filed a stipulation requesting that the portion of Mr. Righetti's  
25 declaration on the public docket that references the contents of these emails be sealed (Dkt. No.  
26 378). This stipulation does not conform to the procedures for sealing documents in Local Rule  
27 79-5 and on that basis is **DENIED**. The declaration shall remain on the public docket in  
28 unredacted form.

The parties also jointly request that the Court review the underlying emails *in camera*

1 (although plaintiff's counsel has already seen them), and Kmart represents that it will supply  
2 additional information regarding the emails (which plaintiff's counsel presumably has not seen)  
3 as part of the *in camera* review. This request is **GRANTED**. Kmart shall lodge these documents  
4 with the Court for *in camera* review by **JULY 10 AT NOON**. Whether they may be used by  
5 plaintiff at the Rule 60 evidentiary hearing notwithstanding Kmart's privilege objection will be  
6 decided later.

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9 **IT IS SO ORDERED.**

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11 Dated: July 8, 2013.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE